

15 DEC 2003

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION (PCT Rule 66)

To:

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Date of mailing (day/month/year)	11.12.2003
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Applicant's or agent's file reference
JCBB/SPY

REPLY DUE	within 3 month(s) from the above date of mailing
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International application No.
PCT/GB03/00373

International filing date (day/month/year)
29.01.2003

Priority date (day/month/year)
30.01.2002

International Patent Classification (IPC) or both national classification and IPC
B63B39/06

Applicant
COMPASS GROUP LIMITED et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 30.05.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-8 received on 29.08.2003 with letter of 29.08.2003

Claims, Numbers

1-24 received on 29.08.2003 with letter of 29.08.2003

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1-4, 10, 24
Inventive step (IS)	Claims	5-9, 11-23
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following document:

D1: GB-A-2 150 890 (LANCER YACHT CORP) 10 July 1985 (1985-07-10)

- 2 The present application does not meet the requirements of Article 33.2 PCT, because the subject-matter of claims 1-4, 10 and 24 is not new.

- 2a The document D1 discloses (the references in parentheses applying to this document):

A watercraft for sail and mechanical operation (Page 1, lines 6,7) provided with a displacement hull and a keel (Fig. 1), comprising hydrofoil means (11) adapted to only provide lift to the after end of the craft (Page 3, lines 18,19).

The subject-matter of claim 1 is therefore not new (Article 33.2 PCT).

- 2b D1 discloses also a watercraft where the lift provided by the hydrofoil means is variable, because hydrofoils produce different lifts at different speeds.

The subject-matter of claim 2 is therefore not new (Article 33.2 PCT).

- 2c D1 discloses as well a watercraft in which the amount of lift provided by the hydrofoil means is determined by the speed of the craft. This is indeed the general case with hydrofoils.

The subject-matter of claim 3 is therefore not new (Article 33.2 PCT).

- 2d D1 discloses similarly a watercraft in which the hydrofoil means is adapted to provide sufficient lift to maintain the craft at a substantially level trim at any speed (Page 3, lines 18,19).

The subject-matter of claim 4 is therefore not new (Article 33.2 PCT).

- 2e The watercraft of D1 has a displacement hull shaped as a mono-hull for high speed sailing, with a transverse cross section which tapers downwardly to its keel line, and which increases in cross section from the bow to a fullest transverse section, and decreases in cross section from the fullest transverse section to the after end, and in which the keel line of the hull tapers downwardly from the bow and the stern to a base line at the fullest transverse section. This is indeed the case of a wine-glass shaped cross section referred to in D1 (Page 2, line 3)

The subject-matter of claim 10 is therefore not new (Article 33.2 PCT).

- 3 Dependent claims 5-9 and 11-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (please, see the International Search Report).
- 4 It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.